

**Financial Guidelines  
for Determining Eligibility for Waiver  
of Fees, Costs, or Security in Civil Cases  
in the West Virginia Courts  
From 15 January 2016, until Directed Otherwise  
by Administrative Order of the Chief Justice**

(W.Va. Code §59-2-1, West Virginia Rules of Civil Procedure, Rule 77(e), and Rules of Civil Procedure for Magistrate Court, Rule 22.)

**A. Determining Eligibility for Waiver by Clerk or Deputy Clerk**

Applications for waiver of fees, costs or security in a civil domestic case should be granted if the following applies:

- the applicant's yearly income (Section C.1a.) is less than the amount indicated on the income chart (below) for the number of dependents entered on Line C.2b; **AND**
- the amount of the applicant's liquid assets (Line C.3) *minus* \$500 is less than the applicant's totaled monthly expenses (Line C.4b) multiplied by 12; **UNLESS**
- the total value of the applicant's personal property minus any outstanding debts on the property (Line C.5b) is more than the applicable amount indicated on the income chart (below.)

**B. Reviewing Eligibility for Waiver by the Court**

The Court may consider all information provided in the affidavit, any evidence submitted in the action, and the income chart below. The Court may also require the applicant to provide additional information, including financial documents beyond the application/affidavit, to its satisfaction.

**C. Income Chart (January 2016)<sup>1</sup>**

<b>Number of People Dependent on Household Income</b>	<b>Yearly Net Income</b>
1	\$17,500
2	\$24,000
3	\$30,000
4	\$36,000
5	\$42,500
6	\$48,500
7	\$55,000
8	\$61,000

For families with more than eight (8) members, add \$6,000 for each additional person.

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<sup>1</sup> Based on Poverty Income Guidelines for the U.S. Department of Health and Human Services. *Federal Register*, 80 FR 3236, January 22, 2015, pp 3236 – 3237. This chart is to be updated annually based on the Poverty Income Guidelines in effect on January 1<sup>st</sup> of each year.